

REMARKS

Claims 1-30 of the application stand rejected. Claims 13-25 have been amended herein to more clearly define the scope of the presently claimed invention. Applicant respectfully requests reconsideration of pending Claims 1-30 in light of the remarks herein.

35 U.S.C. § 101

Claims 1-7 and 13-25 stand rejected under 35 U.S.C. § 101 because the Examiner alleges that there is no tangible structure in the “data structure” and the claimed “computer readable medium” is directed to non-statutory subject matter. The Examiner additionally alleges that the term “tangible” does not resolve this issue. Applicant strongly disagrees. Once again, however, in the interest of moving forward with substantive review of these claims, Applicant has amended Claims 13-25 herein to specify a “tangible computer readable storage medium”, per the Examiner’s suggestion. Applicant respectfully submits that a tangible computer readable storage medium is statutory subject matter and therefore respectfully requests that Examiner withdraw the 35 U.S.C. § 101 rejection to these claims.

35 U.S.C. § 103

Claims 1-30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Williams, U.S. Patent No. 7,055,091 (hereafter “Williams”). The Examiner submits that Williams teaches all the elements of independent Claims 1, 8, 13, 19 and 26 with the exception of one element. The Examiner suggests that the missing element in Williams was one that would have been obvious to one of ordinary skill in the art. Applicant respectfully traverses the rejections.

The Examiner failed to address Applicant’s previously submitted arguments with respect to Williams. Instead, the Examiner simply repeats the rejections from the previous Office Action without taking into account Applicant’s responsive comments. As such, Applicant respectfully requests the Examiner to consider the arguments herein

and to enter the claim amendments herein to place the claims in a better position for review.

Once again, the Examiner submits that various sections of Williams disclose all elements of the independent claims, with the exception of “dividing the content in the email file into two portions.” Thus for example, with respect to independent Claims 1, 8, 13, 19 and 26, the Examiner puts forth various elements of FIG. 4 of Williams to allegedly show that they describe the claimed element of “an electronic mail file comprising a single file including combined electronic mail data and variable metadata.” Applicants fail to see how the elements of FIG. 4 highlighted by the Examiner show “an electronic mail file comprising a single file including combined electronic mail data and variable metadata.” In reality, this figure in Williams simply shows an email display wherein one portion of the display shows email titles while another portion of the display (“cutout 412”) shows at least a portion of the *email corresponding to each title*. The Examiner alleges that variable meta-data information describing the electronic mail data is taught by Williams because “the cutout 412 describes the information for the electronic mail data and the content of 412 is variable.” Applicants respectfully submit that the Examiner is simply wrong.

The “cutout 412” may in fact describe information associated with the electronic mail data, as the Examiner alleges. It does not, however, show in form that the data is stored in the same file as the electronic mail. Once again, to highlight the crux of the claimed invention, the Specification, Page lines 17-20 describes that “variable meta-data information 130 is combined with actual email data 120 within a single file 140. A header is then used to monitor any changes to the meta-data 130 and the location of the actual email data 120 within the file”. Additionally, as described in the Specification, “current electronic mail systems (i.e., email systems at the time of filing of the applications) utilize the files that represent the meta-data of electronic mail as well as the files that represent the electronic mail data. An email process receives the email data into a data-file and creates one or more meta-files to describe the email. Other email functions consult and/or modify the meta-files to process (e.g., parse, route, or forward) the email.” (Specification, Page 2, lines 8-12). Applicants respectfully submit that there is simply no basis for anyone of ordinary skill in the art to view cutout 412 as being

stored in the same file as the email itself. Applicants respectfully request the Examiner to show further support or explanation for the meta data as claimed or to drop the rejection to the claims based on Williams because Williams simply does not teach or suggest this claimed element.

The Examiner instead focuses on the fact that “it would have been obvious to a person of ordinary skill in the art at the time the invention was made to “divide the email file in two portions”. The Examiner simply glosses over the fact that the first portion of the mail file includes both the email as well as the meta data for the email while the second portion includes the header. In order to establish a *prima facie* case of unpatentability, the Examiner has to make a reasoned argument for why it would have been obvious to one of ordinary skill in the art to divide out an email file in this matter. Instead, the Examiner makes a conclusory remark that does not rise to the level of establishing a *prima facie* case. The very fact that existing email systems at the time typically had separate files for each type of data (and sometimes multiple files for meta data) teaches away from the Examiner’s contention that it would have been obvious to combine them in a single file to derive various benefits. As such, Applicants respectfully submit that the Examiner has not shown this claimed element and that the 35 U.S.C. § 103 should be withdrawn.

In summary, Applicants fail to understand the relevance of Williams with respect to the claimed elements. Applicant respectfully submits that by failing to specifically point to each section of Williams and by failing to clearly articulate how the section(s) allegedly read(s) on the claimed elements, the Examiner has failed to establish a *prima facie* case of unpatentability. Applicants therefore respectfully request the Examiner to clarify the Examiner’s interpretation of these sections of Williams. Barring that, Applicant maintains that Applicant’s own reading of Williams supports Applicant’s position that Williams does not teach or suggest the claimed elements. Applicants therefore respectfully request the Examiner to withdraw the 35 U.S.C. § 103 rejection to independent Claims 1, 8, 13, 19 and 26 and all claims dependent on these independent claims.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the applicable objections and rejections have been overcome and that pending Claims 1-30 are in condition for allowance. Applicant therefore respectfully requests an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 730-8225.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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